

1 of the Committee, this provision in our recommendation for
2 polling lawyers and that it be published received careful
3 and full consideration in our Committee. Delegate Proposal
4 5 as referred to our Committee in dealing with this matter
5 made it permissive. The word was "may" and not "shall".

6 Initially the vote in our Committee whether the
7 provisions for the poll should be contained in the language
8 of the recommendation of the study commission was very
9 close. The closeness of the vote, however, as I recollect
10 the discussion, was that if such a poll was permissive and
11 not mandatory, then the danger was greater, that it was
12 great that it might in rare instances be used in an effort
13 to dominate the thinking or guidance of the voters who
14 would have an opportunity to vote Yea or Nay on the con-
15 tinuance of a judge in office.

16 After the word "may" was stricken and the word
17 "shall" was added, the consideration by our Committee was
18 by rather substantial vote to include this provision in
19 the recommendation to this Convention.

20 We feel that in some areas here, we are arguing
21 with respect to lawyers that they are dominated by judges.